

REMARKS

This Amendment supplements the Amendment After Final filed on January 24, 2006.

Claim 8 has been amended to recite that the dendrimer moiety comprises chemiluminescent enhancing moieties selected from the group consisting of albumins, water soluble polymeric quaternary ammonium salts, water soluble polymeric quaternary sulfonium salts, water soluble polymeric quaternary phosphonium salts and mixtures thereof. Support for this amendment can be found in the specification at least at page 28, line 3 et seq. New Claims 53-64 have been added. Support for the subject matter of these claims can be found in the specification at least at page 28, line 2 to page 29, line 24 and in original Claim 31.

Claims 8-15 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. According to the Official Action, Claims 8, 10, 12 and 14 refer to Claim 1 which is directed to a “non-elected invention”. Claim 8 has been rewritten in independent form and Claims 10, 12 and 14 now depend from Claim 8. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Claims 8, 10, 12 and 14 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,338,532 to Tomalia (hereinafter referred to as “Tomalia”) taken in combination with various references discussed in the “Background” section of the specification. This rejection is respectfully traversed.

Claim 8 is directed to a chemiluminescent substrate delivery system comprising a dendrimer moiety which comprises chemiluminescent enhancing moieties selected from the group consisting of albumins, water soluble polymeric quaternary ammonium salts,

water soluble polymeric quaternary sulfonium salts, water soluble polymeric quaternary phosphonium salts and mixtures thereof. The Official Action has pointed to no teaching or suggestion in Tomalia or in any other reference of a chemiluminescent substrate delivery system as set forth in Claim 8. Therefore, it is respectfully submitted that Claim 8 is patentable over Tomalia in combination with the references discussed in the “Background” section of the specification. Claims 10, 12 and 14 depend from Claim 8 and are therefore also patentable over Tomalia and the references discussed in the “Background” section of the specification for at least the reasons set forth above with respect to Claim 8. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Claims 8-15 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Tomalia taken in combination with various references discussed in the “Background” section of the specification and Simons, *Bioconjugate Chemistry* (1999) (hereinafter referred to as “Simons”).

As set forth above, the Official Action has pointed to no teaching or suggestion in Tomalia or in any other reference of a chemiluminescent substrate delivery system as set forth in Claim 8. Simons does not remedy the aforementioned deficiencies of Tomalia. Moreover, Simons is merely being relied upon for the disclosure of diamine spacers or linkers (page 4, numbered paragraph 8 of the Official Action mailed February 8, 2005). Accordingly, it is respectfully submitted that Claim 8 is patentable over Tomalia in combination with the references discussed in the “Background” section of the specification and Simons. Claims 9-15 depend from Claim 8 and are therefore also patentable over Tomalia in combination with the references discussed in the

“Background” section of the specification and Simons for at least the reasons set forth above with respect to Claim 8. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

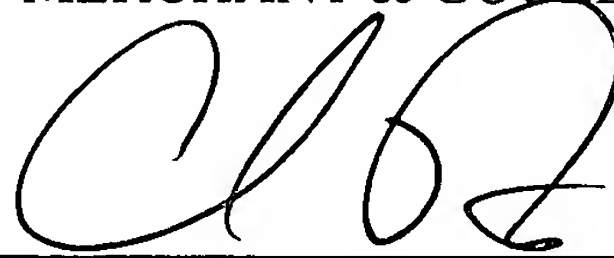
New Claims 53-64 have been added. These claims are also patentable over the cited references. Moreover, Claims 53-57 depend from Claim 8 and are therefore patentable for at least the reasons set forth above with respect to Claim 8. Claim 58 is directed to a substrate delivery system comprising a first dendrimer and a second dendrimer comprising a chemiluminescent moiety wherein the second dendrimer is covalently or ionically associated with the first dendrimer. The Official Action has pointed to no teaching or suggestion in any cited reference of a substrate delivery system as set forth in Claim 58. Claims 59-64 depend from Claim 8 and are therefore also patentable for at least the reasons set forth above with respect to Claim 58.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.



Steven B. Kelber
Registration No. 30,073

April 21, 2006

Date

P.O. Box 2903
Minneapolis, Minnesota 55402-0903
Telephone No. (202) 326-0300
Facsimile No. (202) 326-0778

Christopher W. Raimund
Registration No. 47,258

23552

Patent & Trademark Office